

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3766



In re

Patent Application of

Scott E. Jahns

Application No. 10/724,978

Confirmation No.: 1878

Filed: December 1, 2003

Examiner: Carl Hernandez Layno

"METHOD AND SYSTEM FOR NERVE
STIMULATION AND CARDIAC
SENSING PRIOR TO AND DURING A
MEDICAL PROCEDURE"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The PTO did not receive the following
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Sir:

The Examiner's attention is directed to the references which are listed on the attached Form PTO/SB/08A and PTO/SB/08B. Copies of all foreign and non-U.S. patent references are attached. This Statement is also being accompanied by a check in payment of the \$180.00 fee required under 37 CFR §1.17(p). Please charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the required fee.

Citation of these references is respectfully requested.

No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

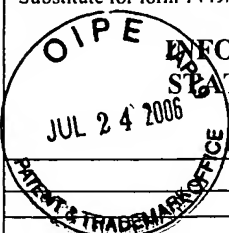
Raye L. Daugherty
Raye L. Daugherty

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07/24/2006 YPOLITE1 00000015 133000 10724978
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File No. 065071-9059-10
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560

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Substitute for form 1449/PTO		Complete if Known	
 <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p> <p>Sheet 1 of 8</p>		Application Number	10/768,999
		Filing Date	January 30, 2004
		First named Inventor	Michael R.S. Hill
		Group Art Unit	3766
		Examiner name	Carl Hernandez Layno
		Attorney Docket Number	065071-9059-12
U.S. Patent Documents			

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	3,614,995	Probert, et al.	10/26/1971
	3,804,098	Friedman	4/16/1974
	4,088,138	Diack, et al.	5/9/1978
	4,161,952	Kinney, et al.	4/22/1979
	4,176,660	Mylrea, et al.	12/4/1979
	4,198,963	Barkalow, et al.	4/22/1979
	4,321,929	Lemelson, et al.	3/30/1982
	4,351,330	Scarberry	9/28/1982
	4,574,807	Hewson, et al.	3/11/1986
	4,603,705	Speicher, et al.	8/5/1986
	4,671,295	Abrams, et al.	6/9/1987
	4,715,367	Crossley	12/29/1987
	4,722,347	Abrams, et al.	2/2/1988
	4,753,244	Landymore, et al.	6/28/1988
	4,919,147	Reinhardt, et al.	4/24/1990
	4,931,464	Grover, et al.	6/5/1990
	4,952,586	Morris, et al.	8/28/1990
	5,003,991	Takayama, et al.	4/2/1991
	5,007,893	Row	4/16/1991
	5,024,228	Goldstone, et al.	6/18/1991
	5,025,807	Zabara	6/25/1991

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		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,036,848	Hewson	8/6/1991
		5,050,600	Parks	9/24/1991
		5,117,822	Laghi	6/2/1992
		5,117,828	Metzger, et al.	6/2/1992
		5,125,406	Goldstone, et al.	6/30/1992
		5,127,407	Tan	7/7/1992
		5,154,172	Terry, Jr. et al.	10/13/1992
		5,156,149	Hudrlik	10/20/1992
		5,156,151	Imran	10/20/1992
		5,178,149	Imburgia, et al.	1/12/1993
		5,179,950	Stanislaw	1/19/1993
		5,179,952	Buinevicius, et al.	1/19/1993
		5,186,170	Varrichio, et al.	2/16/1993
		5,188,104	Wernicke, et al.	2/23/1993
		5,205,285	Baker, Jr.	4/27/1993
		5,215,086	Terry, Jr., et al.	6/1/1993
		5,231,988	Wernicke, et al.	8/3/1993
		5,235,980	Varrichio, et al.	8/17/1993
		5,263,480	Wernicke, et al.	11/23/1993
		5,265,603	Hudrlik	11/30/1993
		5,265,623	Kroll, et al.	11/30/1993
		5,269,303	Wernicke, et al.	12/14/1993
		5,282,468	Klepinski	2/1/1994
		5,284,146	Czar, et al.	2/8/1994

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		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,299,569	Wernicke, et al.	4/5/1994
		5,304,120	Crandell, et al.	4/19/1994
		5,304,206	Baker, Jr., et al.	4/19/1994
		5,304,220	Maginot	4/19/1994
		5,330,507	Schwartz	7/19/1994
		5,335,657	Terry, Jr., et al.	8/9/1994
		5,365,926	Desai	11/22/1994
		5,379,765	Kajiwarra, et al.	1/10/1995
		5,411,529	Hudrlik	5/2/1995
		5,417,713	Cohen	5/23/1995
		5,456,254	Pietroski, et al.	10/10/1995
		5,458,625	Kendall	10/17/1995
		5,476,485	Weinberg, et al.	12/19/1995
		5,531,776	Ward, et al.	7/2/1996
		5,656,420	Chien	8/12/1997
		5,662,689	Elsberry, et al.	9/2/1997
		5,668,117	Shapiro	9/16/1997
		5,707,400	Terry, Jr., et al.	1/13/1998
		5,713,924	Min, et al.	2/3/1998
		5,713,929	Hess, et al.	2/3/1998
		5,755,682	Knudson, et al.	5/26/1998
		5,782,874	Loos	7/21/1998
		5,791,187	Chang	8/11/1998

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	Application Number	10/768,999
	Filing Date	January 30, 2004
	First named Inventor	Michael R.S. Hill
	Group Art Unit	3766
	Examiner name	Carl Hernandez Layno
	Attorney Docket Number	065071-9059-12

U.S. Patent Documents

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	5,799,661	Boyd, et al.	9/1/1998
	5,824,021	Rise	10/20/1998
	5,840,076	Swanson, et al.	11/24/1998
	5,846,263	Peterson, et al.	12/8/1998
	5,846,264	Andersson, et al.	12/8/1998
	5,874,420	Pelleg	2/23/1999
	5,889,033	Kaminski	3/30/1999
	5,893,881	Elsberry, et al.	4/13/1999
	5,893,882	Peterson, et al.	4/13/1999
	5,971,911	Wilk	10/26/1999
	5,995,872	Bourgeois	11/30/1999
	6,007,559	Arkans	12/28/1999
	6,014,588	Fitz	1/11/2000
	6,042,538	Puskas	3/28/2000
	6,091,988	Warman, et al.	7/18/2000
	6,103,722	Schultz, et al.	8/15/2000
	6,141,590	Renirie, et al.	10/31/2000
	6,185,459	Mehra, et al.	2/6/2001
	6,234,985	Lurie, et al.	5/22/2001
	6,253,108	Rosborough, et al.	6/26/2001
	6,266,564	Hill, et al.	7/24/2001
	6,272,380	Warman, et al.	8/7/2001
	6,299,564	Gessler, et al.	10/9/2001

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 5 of 8		Complete if Known		
		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		6,303,293	Patterson, et al.	10/16/2001
		6,304,777	Ben-Haim, et al.	10/16/2001
		6,381,499	Taylor, et al.	4/30/2002
		6,414,018	Duhaylongsod	7/2/2002
		6,429,217	Puskas	8/6/2002
		6,442,429	Hill, et al.	8/27/2002
		6,449,507	Hill, et al.	9/10/2002
		6,479,523	Puskas	11/12/2002
		6,487,446	Hill, et al.	11/26/2002
		6,532,388	Hill, et al.	3/11/2003
		6,542,774	Hill, et al.	4/1/2003
		6,554,781	Carter, et al.	4/29/2003
		6,587,719	Barrett, et al.	7/1/2003
		6,609,025	Barrett, et al.	8/19/2003
		6,622,038	Barrett, et al.	9/16/2003
		6,622,041	Terry, Jr., et al.	9/16/2003
		6,622,047	Barrett, et al.	9/16/2003
		6,628,987	Hill, et al.	9/30/2003
		6,656,960	Puskas	12/2/2003
		6,690,973	Hill, et al.	2/10/2004
		6,711,436	Duhaylongsod	3/23/2004
		6,718,208	Hill, et al.	4/6/2004
		6,721,603	Zabara, et al.	4/13/2004
Examiner Signature			Date Considered	

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 6 of 8		Complete if Known	
		Application Number	10/768,999
		Filing Date	January 30, 2004
		First named Inventor	Michael R.S. Hill
		Group Art Unit	3766
		Examiner name	Carl Hernandez Layno
		Attorney Docket Number	065071-9059-12
U.S. Patent Documents			
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	6,735,471	Hill, et al.	5/11/2004
	6,738,667	Deno, et al.	5/18/2004
	6,778,854	Puskas	8/17/2004
	6,904,318	Hill, et al.	6/7/2005
	6,912,419	Hill, et al.	6/28/2005
	09/980,421		
	RE38,654	Hill et al.	11/23/2004
	RE38,705	Hill et al.	2/22/2005
	2001/0049543	Kroll	12/6/2001
	2002/072782	Osorio et al.	6/13/2002
	2002/0198570	Puskas	12/26/2002
	2002/0198571	Puskas	12/26/2002
	2003/045909	Gross et al.	3/6/2003
	2003/0074039	Puskas	4/17/2003
	2003/0216775	Hill et al.	11/20/2003
	2003/0216790	Hill et al.	11/20/2003
	2004/0024422	Hill et al.	2/5/2004
	2004/0059383	Puskas	3/25/2004
	2004/0111118	Hill et al.	6/10/2004
	2004/0162584	Hill et al.	8/19/2004
	2004/0172075	Shafer et al.	9/2/2004
	2004/0186517	Hill et al.	9/23/2004
	2004/0186531	Jahns et al.	9/23/2004
Examiner Signature			Date Considered

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 7 of 8		Complete if Known		
		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		2004/0199209	Hill et al.	10/7/2004
		2005/0096707	Hill et al.	5/5/2005
		2005/0143412	Puskas	6/30/2005

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
	AU	9890156	Duhaylongsod	3/1/1999		
	AU	779255	Puskas	6/23/2000		
	CA	2,310,183	Stewart, et al.	5/19/1996		
	CA	2,376,903	Puskas	6/23/2000		
	EP	0440111	McEwen	8/7/1991		
	EP	0589252	Dreher, et al.	3/30/1994		
	EP	0688579	Bowalt, et al.	12/27/1995		
	EP	1005337	Puskas	6/7/2000		
	EP	1181947	Borkan	2/27/2002		
	JP	2001-505980	Puskas	6/23/2000		
	JP	2000-507363	Puskas	8/26/1998		
	MX	2043	Puskas	8/26/1998		
	WO	99/07354	Duhaylongsod	2/18/1999		
	WO	00/01306	Scher, et al.	1/13/2000		
	WO	02/26320	Hill, et al.	4/4/2002		

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				Application Number		10/768,999			
				Filing Date		January 30, 2004			
				First named Inventor		Michael R.S. Hill			
				Group Art Unit		3766			
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U.S. Patent Documents									
FOREIGN PATENT DOCUMENTS									
Examiner Initials		Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract		
		WO	99/00057	Ward	1/7/1999				
		WO	99/63926	Lurie, et al.	12/16/1999				
		WO	00/09206	Mehra, et al.	2/24/2000				

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				Application Number	10/724,978
				Filing Date	December 1, 2003
				First Named Inventor	Scott E. Jahns
				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	1	of	7	Attorney Docket Number	065071-9059-10

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		AGNEW, William F., et al., "Considerations for Safety with Chronically Implanted Nerve Electrodes, Epilepsia, 31(Suppl. 2), 1990, pp. S27-S32, Raven Press, Ltd., New York.
		BELL, et al., "Inotropic Responses of the Left Ventricle to Changes in Heart Rate in Anesthetized Rabbits," Can. J. Physiol. Pharmacol., 65:179-184.
		BENNETTI, F.J., "Direct Coronary Surgery with Saphenous Vein Bypass Without Either Cardiopulmonary Bypass or Cardiac Arrest, J. Cardiovasc. Surg., 26:217-222.
		BENETTI, et al., "Use of Thoracoscopy and a Minimal Thoracotomy, in Mammary-Coronary Bypass to Left Anterior Descending Artery, Without Extracorporeal Circulation," J. Cardiovasc. Surg., 36:159-161.
		BESEDOVSKY, H., et al., "Immunoregulatory Feedback Between Interleukin-1 and Glucocorticoid Hormones," Science, Vol. 233, No. 4764, pp. 652-654, 1986.
		BILGUTAY, A., et al., "Vagal Tuning: A New Concept in the Treatment of Supraventricular Arrhythmias, Angina pectoris, and Heart failure," Jour. of Thorac. & Cardio. Surg., 1968, pp. 71-82.
		BLUEMEL, K.M., et al., "Parasympathetic Postganglionic Pathways to the Sinoatrial Node," Am. Phys. Soc., 1990, pp. H1504-H1508.
		BOROVIKOVA, L.V., et al., "Role of Vagus Nerve Signaling in CNI-1493-mediated Suppression of Acute Inflammation," Autonomic Neuroscience: Basic and Clinical, Vol. 85, pp. 141-147, 2000.
		BOROVIKOVA, L.V., et al., "Vagus Nerve Stimulation Attenuates the Systemic Inflammatory Response to Endotoxin," Nature, Vol. 405, 2000.

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				Filing Date	December 1, 2003
				First Named Inventor	Scott E. Jahns
				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	2	of	7	Attorney Docket Number	065071-9059-10

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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		BRAUNWALD, E., et al., "Cartoid Sinus Nerve Stimulation in the Treatment of Angina Pectoris and Supraventricular Tachycardia," Western Jour. of Medicine, 1970, No. 112, Vol. 3, pp. 41-50.
		BRISTOW, M., "The Adrenergic Nervous System In Heart Failure," The New Eng. J. of Med., Vol. 311, No. 13, pp. 850-851, 1984.
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		DiMARCO, J. P., M.D., et al., "Adenosine: Electrophysiologic Effects and Therapeutic Use for Terminating Paroxysmal Supraventricular Tachycardia," Therapy and Prevention Arrhythmia, Circulation 68, No. 6, 1983, pp. 1254-1263.
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				Application Number	10/724,978
				Filing Date	December 1, 2003
				First Named Inventor	Scott E. Jahns
				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	3	of	7	Attorney Docket Number	065071-9059-10

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		FREILICH, A., M.D., et al., "Adenosine and its Cardiovascular Effects," American Heart Journal, vol. 123, No. 5, May 1992, pp. 1324-1328.
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Sheet	4	of	7	Attorney Docket Number	065071-9059-10

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		KROWN, K., et al. "Tumor Necrosis Factor Alpha-Induced Apoptosis in Cardiac Myocytes: Involvement of the Sphingolipid Signaling Cascade in Cardiac Cell Death," J. Clin. Invest., Vol. 98, No. 12, 1996.
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		NOBREGA, et al., "Resting and Reflex Heart Rate Responses During Cholinergic Stimulation With Pyridostigmine in Humans," Brazilian J. Med. Biol. Res, Vol. 29, No. 11, pp. 1461-1465, 1996 (Abstract Only).
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		REID, Steven A., "Surgical Technique for Implantation of the Neurocybernetic Prosthesis," Epilepsia, 1990, 31 (suppl. 2): S38-S39.

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		RUTECKI, Paul, "Anatomical, Physiological, and Theoretical Basis for the Antiepileptic Effect of Vagus Nerve Stimulation," Epilepsia, 31(Suppl. 2), 1990, pp. S1-S6, Raven Press, Ltd., New York.
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		WATKINS, L., et al., "Implications of Immune-to-Brain Communication for Sickness and Pain," Proc. Natl. Acad. Sci. USA, Vol. 96, pp. 7710-7713, July 1999.
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